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**AFGHANISTAN**

# **ASSISTANCE FOR THE DEVELOPMENT OF AFGHAN LEGAL ACCESS AND TRANSPARENCY (ADALAT)**

**ANNUAL REPORT**

**April – September 2016**

**Task Order No. AID-306-TO-16-00007**

**Implemented by Checchi and Company Consulting, Inc.**

**Submitted by:**

**Michael Lechner, Chief of Party**

**Kabul, Afghanistan**

**[mlechner@chechiconsulting.com](mailto:mlechner@chechiconsulting.com)**

**October 30, 2016**

**DISCLAIMER**

The views expressed in this report do not necessarily reflect the views of United States Agency for International Development or the United States Government

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Chief of Party

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Contract No.: AID-OOA-I-13-00034

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## FOREWARD

Checchi & Company Consulting, Inc. (Checchi) began implementing the five-year Afghanistan Assistance for the Development of Afghan Legal Access and Transparency (ADALAT) project in Kabul on April 14, 2016. The terms of the contract with USAID require that Checchi submit progress reports at the end of each calendar quarter. This (second) quarterly report also serves as the project's first annual report in accordance with USAID's fiscal calendar year. The report is organized into sections summarizing, as required for quarterly reports, (1) major events conducted during the quarter, an overview of program trends and constraints, a description of project activities conducted under each of three Sub-Purposes during the quarter, and a projection of program events scheduled to occur during the next calendar quarter; and summarizing, as required for annual reports, all major accomplishments achieved under each Sub-Purpose during the preceding two calendar quarters, followed by an analysis within each Sub-Purpose of results expected and results achieved, reasons for variations between results expected and achieved and lessons learned.

## INTRODUCTION

ADALAT moved into permanent office and housing space in early July and completed start-up activities begun in Quarter 1, including obtaining USAID authorization for Michael Lechner to serve as Chief of Party and recruiting local Afghan staff to key technical positions. ADALAT continued to work with the Mission to review and revise the Year 1 work plan. ADALAT conducted many meetings with counterparts to obtain buy-in and lay the foundation for future cooperation and collaboration. Additionally, ADALAT met with other international donor organizations working in the justice sector (i.e., World Bank, INL, GIZ, IDLO, etc.) to facilitate greater coordination and prevent duplication of efforts.

USAID requested in Quarter 1 that ADALAT refocus some grant funds allocated to Sub-Purpose 3 to be used to advance new activities designed to reform law faculty curriculum in private universities. Significant time was spent in Quarter 2 investigating how to achieve these new goals. The ADALAT grants manual, submitted to USAID in Quarter 1, was approved – a key first step in the launch of the ADALAT grants program.

## MAJOR HIGHLIGHTS

- **Work Plan:** Presented the proposed Year I work plan to high-level representatives of the Supreme Court (SC) and the Huquq Department of the MOJ at the USAID offices.
- **Judicial Training Needs Assessment (TNA):** Conducted judicial TNA interviews with key informants (i.e., key judicial and non-judicial officials, such as Supreme Court High Council members, Chief Judges of Courts of Appeal in Kabul and other provinces, directors of SC departments, and law practitioners with a background in the training the judges). In addition, as part of the TNA, ADALAT conducted focus group discussions with the Afghan Women Judges Association (AWJA), members of the Afghanistan Independent Bar Association (AIBA) and prosecutors in Kabul.
- **Judicial Stage Evaluation:** Obtained and compiled statistics from private and public Law and Sharia Faculties concerning curricula and enrollment/graduation data, disaggregated by sex. The information will be used to evaluate Stage admissions, and specially attempt to identify possible obstacles that prevents female law/Sharia graduates from applying and/or entering the Stage. Also prepared a judicial training instructor evaluation instrument.
- **Judicial Code of Conduct:** Compiled laws and researched international standards to learn how other countries enforce judicial codes of conduct.
- **Kabul Regional Judicial Conference (KRJC):** With the SC, began planning the KRJC with the establishment of a planning committee composed of the various departments and representatives from AWJA and ADALAT.
- **ACAS and Improve Court Statistics:** ADALAT established the Second ACAS Advisory Group (AAG) and facilitated bi-weekly meetings. Teams began traveling to provincial and district courts to assess ACAS usage by clerks. ADALAT created plans to also assess the Huquq case management system pilot project (GIZ).
- **Established weekly meetings with the SC's Statistics Department** to help improve the system by streamlining formats and making the statistics collected and reported more reliable, understandable and user friendly.
- **Afghanistan Independent Bar Association (AIBA):** ADALAT met weekly with AIBA management and staff to collect baseline data which may be used to design future

interventions to strengthen the association's core capacities. ADALAT drafted a work plan and monitoring and evaluation plan in collaboration with the association, including a logical framework. ADALAT coordinated a stakeholder working group meeting and discussed concerns about AIBA's by-laws. The working group was led by AIBA president Mr. Qarizada and attended by ADALAT, AJO, USAID, IDLO, Ministry of Justice, Attorney General Office, Open Society Afghanistan, GIZ, JSSP, and Afghanistan Lawyers' Union.

- **AIBA Bridge Grant:** ADALAT with partner AJO finalized a three-month bridge grant for AIBA designed to avoid funding gaps and support AIBA operations in Kabul and its four regional offices (Balkh, Hirat, Kandahar and Nangarhar). ADALAT lead coordination efforts and collected data to ensure that other implementing partners (i.e., USIP, GIZ, UNDP, the Asia Foundation, etc.) were not providing duplicative funds for the same budget items that would be covered by ADALAT during the bridge grant period. From these meetings, ADALAT produced a donor matrix to show the types of assistance and funding being provided by other implementers to AIBA. USAID vetting approval of AIBA is still pending and consequently the bridge grant has not been issued.
- ADALAT has prepared AIBA to launch several important activities: an external audit, revisions to the association's by-laws and a Human and Institutional Capacity Development (HICD) assessment. These activities will begin in earnest in Quarter 3.
- **Human and Institutional Capacity Development (HICD) Assessment:** ADALAT arranged for an international HICD expert to travel to Kabul to train staff about the assessment process. The expert consultant also met with stakeholders (AIBA, Supreme Court and the Huquq department of the MOJ) to introduce the HICD assessment process, purposes and anticipated results. These meetings solidified complete buy-in from the Afghan leaders of each organization. Dedicated teams from ADALAT began working with the stakeholders to prepare assessment work plans, identifying key informants and developing draft assessment tools. The full HICD assessment activity is set to launch early in QR3.
- **Training for Huquq Staff:** ADALAT received a verbal agreement from the minister that the MOJ will begin requiring (approx. March 2017) a formal induction Stage training for all new Huquq professional staff. The MOJ and the National Legal Training Center

(NLTC) also agreed to evaluate the feasibility of creating a Huquq-specific curriculum that could be taught to MOJ/Huquq staff at the NLTC. These agreements are a first key step in resolving significant staff capacity and training resource/staffing issues within the MOJ/Huquq.

- Justice Engagement Model (JEM): ADALAT engaged subcontractor TLO on all aspects of implementing the Justice Engagement Model (JEM) to build the capacities of traditional dispute resolution actors in rural areas. ADALAT and TLO selected the four initial districts to receive JEM course trainings and related assistance. ADALAT also guided TLO staff on how to engage local stakeholders, conduct district assessments and develop effective budgets and staffing plans.
- Met with nearly a dozen civil society networks and legal outreach and advocacy organizations to discuss ideas for awareness programming targeted to Afghans with low literacy levels and in remote areas. ADALAT also developed a CSO capacity-building plan and needs assessment tools.
- Refined a legal education reform strategy for private universities through meetings with the Private Universities Association, Ministry of Higher Education (MoHE) and implementing organizations working in the area.
- ADALAT participated in a TAF-sponsored legal clinical education conference.

## **PROGRAMMATIC TRENDS AND CONSTRAINTS**

### **Judicial**

During Quarter I, ADALAT met with the Judicial Education Department (JED) of the SC and presented ADALAT's proposal to collaboratively conduct a comprehensive evaluation of the Judicial Stage and an assessment of the training needs of sitting judges. The JED specifically requested assistance (1) training judges who have been specially appointed by the President to serve in insecure judicial districts without having been trained in a Judicial Stage, and (2) training judicial clerks who assist judges prepare orders (law clerks). ADALAT prepared a written proposal justifying the need for and importance of an evaluation of the Judicial Stage and presented it to the JED. The JED requested a meeting to review the matter with the ADALAT Chief of Party, which will take place in the next quarter.

**Non-judicial**

Counterparts increasingly recognize the expertise of Afghan and expat staff in achieving the SC's goal to assure that management reform is sustainable. At the same time, SC management may not fully understand the responsibilities of the High Council either to drive strategic planning or to take the time to do the hard work necessary to establish a baseline and to measure progress. The absence of a management tradition at the SC continues to interfere with program initiatives, e.g., rather than look at caseload and case processing data collected or collectible through ACAS by the Statistics Department to help the HR and Finance Departments determine the need for additional judicial and non-judicial resources and/or programs and materials, the SC instead determines the need for more or less judges and staff in consultations between the SC and chief appellate judges *after* completion of the budget process, rather than during the course of budget planning.

**AIBA**

ADALAT with partner AJO had several meetings to discuss preparation for the project launch and designing and developing the Annual Work and Monitoring and Evaluation Plans. Major activities in the past quarter included identifying stakeholders and counterparts, scheduling meetings, and conducting realistic analysis of what activities are feasible and achievable in Year I of the ADALAT project based on the preliminary information collected.

ADALAT continued meetings and communication to discuss the bridge grant, HICD, by-laws, general assembly and external audit of AIBA. ADALAT took the lead role with stakeholders and participated in meetings to coordinate activities relevant to AIBA.

During Quarter I, Ramadan proved to be the only constraint on the program as it impacted developing the project work plan. The short work day and the lack of stakeholders' interest to meet during Ramadan was difficult to overcome.

**MOJ Huquq Department**

Ongoing collaboration with MOJ and Huquq Department leaders continued to be productive with progress in the key areas outlined above. These consultations have allowed ministry leadership to claim ownership of the assessment process and programming plans, including



training policy adjustments and establishment of an induction Stage for the Huquq. While the minister has expressed an interest in eventually establishing a Stage within the Huquq, he and other stakeholders agree that cooperation with the NLTC on using and adapting its Stage model to better serve Huquq inductees (and, potentially, existing staff) will best address training staff and resource shortcomings within the MOJ. If and when the MOJ wins legislative/budget approval to expand its training *tashkeel*, the Stage model could be transferred to the MOJ.

ADALAT's focus will remain on assisting the MOJ/Huquq/NLTC in establishing a quality, Huquq-appropriate induction Stage. ADALAT will continue to liaise closely with other donors on possible collaboration on a model for retraining existing staff and CLE. ADALAT expects that our close communication with the MOJ and other donors will ensure continued progress on program components, including institutional, training needs, and case management assessments, policy/TOR reviews, and curriculum revisions.

### **Civil Society Support**

Civil society organizations have been willing to meet with ADALAT and share their lessons learned, best practices and ideas for successful broadcasting of legal awareness messages to the hardest to reach populations living in remote areas of Afghanistan. While the effort will be labor intensive, there are a number of functional organizations which, though mostly located in Kabul and other major cities, are able to facilitate the movement of grants and capacity-building support to more localized and grassroots CSOs. It remains to be decided whether ADALAT will provide open grant application opportunities to all CSOs, or screen potential applicants in advance and work more directly and intensively with a select few. ADALAT will consider the value of free and open competition among the multiplicity of organizations which have grown out of large donor funding streams in the past fifteen years, as well as the value of targeting grant and technical resources to a small number which in turn partner with and deliver capacity support to smaller, rural-based organizations.

### **Legal Education**

Despite having entered the higher education sphere less than ten years ago, private universities are producing most of the law graduates in Afghanistan. The top tier of these private institutions has expressed interest in receiving ADALAT support to improve their law degree

programs. Several ADALAT staff are familiar with the deficiencies of the legal education system, through personal experience as well as from working on prior USAID education reform projects. Meetings with the Private Universities Association, Ministry of Higher Education (MoHE), donors, and other program implementers confirmed that even the best undergraduate law programs do not sufficiently build students' legal writing, reasoning, or research skills. Coordination between stakeholders is ongoing and has supported meaningful information-sharing and partnership opportunities. With the slow pace of reform despite regular and ongoing USAID, INL, and other donor-funded interventions in major public universities, ADALAT is in a unique position, with our focus on private universities. With its positive reception by the MoHE and other stakeholders, ADALAT's law degree development and legal clinical education activities will start to be implemented in the upcoming quarter by program staff specialists and expert consultants.

## **I. SUB-PURPOSE 1: INCREASED FORMAL JUSTICE EFFECTIVENESS**

### **Progress Toward Activity Results**

#### **A. Judicial Activities**

##### **Kabul Regional Judicial Conference (KRJC)**

ADALAT met Justice Abdul Malik Kamawi to discuss collaboration and cooperation with the SC. Justice Kamawi arranged a meeting for ADALAT with Chief Justice Mohammad Yousef Halim (CJ). At the meeting, the ADALAT team provided the CJ with a summary of ADALAT proposed interventions designed to assist the SC. The CJ welcomed ADALAT's assistance in all regards.

ADALAT also met with Justice Abdul Qader Adalatkhaw, a member of High Council of the SC, and General Nesar, the Acting Director General of Administration, to discuss the Stage evaluation and a regional judicial conference to be held in Kabul. Justice Adalatkhaw was supportive of both activities. Gen. Nesar agreed to coordinate with the CJ to have a committee formed with various SC departments to plan and oversee all substantive and logistical aspects of the judicial conference. Gen. Nesar formed a judicial conference planning committee and charged the Research and Studies Department with the overall responsibility for conducting the conference. Three other departments will assist: Finance and Administration,

the SC Secretariat, and the Judicial Education Department (JED). Gen. Nesar assigned the following representatives from the Departments: 1) Hussain Ahmad Khenjani, Deputy Chief of the Secretariat; 2) Abdullah Shams, Director of the Finance and Administration Department; 3) Judge Abdul Basir Shaikh Ahmadi, professional member of the Research and Studies Department; and 4) Hussain Safi, professional member of the JED in charge of judicial training and capacity building. To support and strengthen the role of the AWJA, ADALAT encouraged the leadership of the AWJA to play a key role in the KRJC and requested of Gen. Nesar that the SC approve AWJA's involvement as a member of the planning committee. As a result, the AJWA was introduced as a member of the planning committee. ADALAT facilitated the first meeting of the planning committee. The Research and Studies Department took the responsibility for sending an official letter to the Provincial Appellate Courts advising them of the conference. The committee also discussed the date of the conference, which is tentatively scheduled for the end of January 2017. Following the second meeting of the committee, the CJ directed the formation of a special secretariat under the leadership of Gen. Nesar. The judicial conference secretariat (JCS), which replaces the planning committee, is composed of representatives from Departments of the SC and from the AWJA and ADALAT. The JCS will assign the tasks of preparing for the conference to various committees, and will request provincial courts to submit their written instructional questions to the SC to facilitate the preparation of advisory opinions to be discussed at the conference and subsequently distributed to all the judges in the country. ADALAT will provide technical assistance to the JCS and, in coordination and collaboration with the various committees, prepare a detailed judicial conference planning and budgeting protocol for use by the SC in planning and funding future judicial conferences.

### **Regulation of Judicial Conduct Enforcement**

ADALAT, in several meetings with Judge Akbari, Director of the Judicial Inspection Department (DI) and Acting Director of the HR Department, discussed technical assistance with both Departments. Judge Akbari agreed to coordinate the relevant activities in both Departments with ADALAT and introduced focal points from the Departments to work with ADALAT. ADALAT also discussed working with Judge Akbari on the SC's judicial disciplinary procedures. He agreed in principle that international standards must be incorporated into the DI's

protocols, provided that ADALAT shares proposed amendments to the Regulation on Considering Discipline for Judges' Offenses to determine if the proposed amendments are in conformity with Afghan laws and SC policies. In this regard, ADALAT researched the international standards applicable to the enforcement of judicial codes of conduct and the enforcement procedures in eight countries: France, Lebanon, Turkey, Pakistan, Morocco, Nigeria, Saudi Arabia, and Egypt. ADALAT also reviewed and analyzed the Regulation of Judicial Conduct for the Judges of the Islamic Republic of Afghanistan, the Regulation on Considering Discipline for Judges' Offenses, the Regulation of the Judicial Inspection Department's Activities, the Regulation of the Control and Surveillance Department's Activities, the Law on the Organization and Jurisdiction of the Judiciary Power of the Islamic Republic of Afghanistan, and the proposed amendments to the Law on the Organization and Jurisdiction of the Judiciary Power. This review revealed a potential conflict between the jurisdiction of the DI and the jurisdiction of the Surveillance Department with respect to the enforcement of the ethical standards set forth in the Regulation of Judicial Conduct. ADALAT met with Judge Akbari and General Sakhi Mohammad Moheb, the Director of the Surveillance Department, to discuss the potential overlap of the jurisdiction of the two Departments. Based on those discussions and its research, ADALAT determined that the DI will take the lead on enforcing the Regulation of Judicial Conduct.



Meeting with Mr Norullah, DI Member

Based upon its research, ADALAT is preparing a detailed paper comparing the Disciplinary Regulation to international standards and proposing amendments to the Regulation to be submitted to the DI for consideration. The proposed amendments would bring the Disciplinary Regulation into conformity with international standards by recognizing the right of citizens to make complaints about the behavior of judges, by ensuring that complaints found to have merit are adjudicated in a public hearing unless the accused judge waives the right to a public hearing, and by ensuring due process protections for the accused judge.

ADALAT met with Judge Fazel Rahman Fazli and Mr. Nourullah, professional members of the DI identified by Judge Akbari as the focal points, and discussed the value of conducting a needs assessment of the DI, specifically focused on disciplinary enforcement mechanisms and the maintenance of disciplinary enforcement data. The DI considers the development of a disciplinary enforcement database as an urgent need. Moreover, the DI will develop a list of all priority needs to share with ADALAT and other implementers.

### **Training Needs Assessment (TNA) for Sitting Judges**

As part of its assessment of the training needs of sitting judges, ADALAT conducted 29 key informant interviews, and three focus groups. ADALAT interviewed SC Justice Mohammad Zaman Sanagari. Justice Sangari expressed his willingness to cooperate with the ADALAT project, especially with assisting ADALAT to conduct trainings for judges by introducing experienced and knowledgeable trainers. ADALAT also interviewed Justice Abdul Qader Adalatkhaw, Justice Barat Ali Matin, Justice Abdul Hasib Ahadi, and Mr. Safi, the professional member of the JED in charge of judicial training and capacity building. ADALAT conducted key informant interviews with the Chief Judges of the Courts of Appeals in Kabul, Kapisa, Balkh, Baghlan, Kandahar, Parwan, Laghman, Farah, Samangan, and Takhar provinces. ADALAT conducted TNA focus groups with members of the AWJA and AIBA and with several prosecutors in Kabul.

Six female judges participated in the AWJA focus group. They emphasized the need for training in commercial law, commercial procedure, civil procedure, criminal procedure, the Law on the Organization and Jurisdiction of the Judiciary, family law, and the Elimination of Violence against Women Law. They proposed that in each division of the courts, the judges should receive trainings based on their sections or areas of work. For example, judges in the commercial courts should receive trainings on commercial law and procedure. In addition, the AWJA members emphasized the importance of having effective instructors and suggested that the instructors should be judges with sufficient subject matter work experience. The members also suggested the use of group discussions, video clips, updated and diverse teaching styles as effective methodologies in the training of sitting judges, and mentioned that in addition to judicial trainings, judges also need courses in legal English and the use of computers in their work.

Viewing advocates as important observers of judicial performance, ADALAT conducted a focus group with AIBA defense lawyers. The group shared its thoughts on various challenges facing defense lawyers in the courts, for instance, the low capacity of judges, problems that may arise when judges get transferred from one division to another, and the lack of judicial ethics and fair trial standards. The AIBA focus group recommended joint trainings for the police, defense attorneys, prosecutors and judges.



**Meeting with Prosecutors' Focus Group**

The ADALAT team also held a focus group with prosecutors at the Office of the Attorney General in Kabul. The focus group stressed the importance of conducting joint trainings for police, prosecutors and judges so that relevant sector-wide legal issues can be effectively explored. The group also proposed trainings on alternatives to incarceration in the new Criminal Code.

As part of the TNA, ADALAT attempted to collect data from the SC on the types of cases being heard by judges around the country, but learned that there were not any reliable ACAS or DI caseload data. As an alternative, ADALAT will rely on data collected in its review of caseload statistics in the provinces. IDLO has introduced a judicial training needs survey tool to the JED and has indicated that it will share the survey results with ADALAT. ADALAT will use the results of the survey, along with the key informant interviews and caseload data to prepare a comprehensive TNA report for the JED and SC.

In their key informant interviews, SC Justices and provincial Chief Judges emphasized the need for commercial law and procedure training for the commercial court judges. ADALAT shared this finding with Justice Ahadi, the Chief of the Commercial Division of the SC. Justice Ahadi provided ADALAT with a list of commercial law topics that ADALAT may consider in future trainings. He will also identify three judges, in addition to himself, to begin the preparation of

commercial law training materials. In this regard, ADALAT collected available commercial law training materials and submitted them to Justice Ahadi for his review. Justice Ahadi will consider presenting a commercial law training course as part of the KRJC.

In terms of the training for the judges in the insecure districts suggested by the JED, Justice Adalatkhaw agreed to the urgent need for this training, and provided the list of all the judges in the insecure districts, as well as copies of the Presidential decrees appointing them.

ADALAT met with the JED to explain the non-judicial future activities and the feasibility of starting a stage for court administration clerks. It is agreed that the stage for SC judicial clerks is one of the JED's priorities. The JED will consider conducting the stage for administration clerks in ADALAT's future activities. ADALAT received the Admin Stage Curriculum from the HR Directorate of SC and it is being reviewed. The SC judicial clerks participate in the judicial sessions, write all judicial proceedings of the court trials, judicial rulings and judicial decisions while the administration clerks register the cases and perform other non-judicial tasks in the court. As per principle in SC, all legal and Stage trainings fall under the JED.

ADALAT conducted the first weekly meeting of the SC's Statistics Department. This group will review the statistics system previously developed by USAID and the current statistics system in operation today to identify problems and present viable solutions so that the SC uses and benefits from data that it already possesses.

### **Judicial Stage**

During ADALAT's key informant interview with Justice Ahadi, he mentioned that there are many gaps with respect to the judicial Stage, especially with the curriculum. He supported ADALAT's efforts to evaluate the Stage curriculum and improve the Stage. Furthermore, in ADALAT's meeting with Justice Adalatkhaw, he also supported the evaluation of the Stage. At the inception of the ADALAT program, the ADALAT team met with the JED and provided it with an overview of ADALAT project plans to support the JED, including the performance with the JED of a comprehensive evaluation of the Stage.

To permit a comparison of the percentage of women graduates from law and Sharia Faculties with the percentage of women graduates who sat for the current Stage entrance examination, ADALAT obtained the graduation statistics and curricula from the public and private law and

Sharia Faculties in Afghanistan. A preliminary analysis of the data indicates that from the law faculties, there were 5332 (79%) male and 1353 (21%) female graduates, and from the Sharia faculties, there were 2141 (69%) male and 968 (31%) female graduates. The total percentage of male graduates was 76% and the total percentage of female graduates was 24%. There are 80% male and 20% female students in the current Stage. Data from the JED, as part of the Stage evaluation, identifying the percentages of female and male graduates who sat for the Stage entrance examination is necessary to begin to identify possible obstacles to the participation of female graduates in the Stage entrance examination. The AWJA is also interested in making efforts to increase the number of female graduates sitting for the Stage entrance examination.

As part of its proposal to evaluate the Stage, ADALAT developed a Judicial Training Instructor Evaluation Form that encompasses the following main points of evaluation: Instructor – Student Interaction, Teaching Methodology, Instruction Materials, Instructional Time, Instructional Monitoring of Student Performance, Instructional Feedback, and Overall Evaluation. This evaluation instrument will be used by ADALAT and the JED to evaluate the performance of the Stage instructors and instructors in judicial training programs.

## **B. Non-Judicial Activities**

### **HR, Admin and Finance**

ADALAT met with Gen. Nesar Ahmad on different occasions to provide him with an overview of the project and to obtain authorization to meet with directors of relevant SC departments. ADALAT explained this was a critical initial requirement to document existing business processes and to begin to determine departmental management improvement priorities and ongoing plans to resolve system problems. Other senior SC staff who participated in these initial discussions included the following:

- Mohammad Wasim Kashaf, Director of the Planning and Policy Department
- Judge Najibullah Akbari, Director of the Department of Inspections and Acting Director of the Human Resources Department
- Judge Nesar Ahmad Malikzai, Director of the Department of Research and Studies
- Dr. Abdullah Shams, Director of Administration and Finance



- Mohammad Seddiq Jobal, Director of the Publications Department.
- Muhammd Farooq (Accounting & Finance Head) and Muhammad Ihsan (Accounting & Finance Manager) in preparation of the HICD assessment.

Rather than place one HR Specialist and five Admin/Finance Specialists at the Supreme Court as originally planned, ADALAT placed one HR and one Admin/Finance expert to assist the affected SC Departments in the determination of staff needs in order to produce position descriptions of staff to be embedded at the SC during Years 2-4 at ADALAT expense and Years 5 and beyond at SC expense. The HR and Finance/Admin Specialists joined the staff during September and immediately began getting up to speed on project activities and Year 1 deliverables, principally about the judicial branch aspects of their particular disciplines. The HR Specialist developed a series of instruments to document HR operations, including an HR Assessment Tool and non-judicial staff TNA Questionnaires, and began meeting with HR staff including HR database staff to test these instruments. He also began working with HR database staff to determine the total number of judicial and non-judicial staff as well as the extent to which the existing system captures or could capture accurate biographical, demographic and training and performance data on judicial and non-judicial personnel to meet the court system's HR management needs. The Finance/Admin Specialist began meeting with Admin/Finance leadership as well as with sub-department heads, including budgeting, facilities, asset management, accounting, etc., to begin documenting SC administrative and financial management operations. Both Specialists obtained SC Departmental commitment to cooperate with the HICD assessments.

### **Finance and Budgeting**

ADALAT met with Ms. Nasima Safa, the Development Budget Department Manager, to attempt to determine why development budget expenditure levels are historically so low. Ms. Nasima advised that the SC has no budget planning capacity; thus, funds allocated to the SC by the Ministry of Finance (whether from GoA or donor pledges) for non-routine projects appear on the SC's balance sheet whether or not the Court has or is likely to have the resources to plan and implement such projects. The ADALAT finance team also facilitated an introduction of the HICD process. The Department agreed to cooperate but expressed hope that HICD would recognize the Department's need for logistical support, including more reliable internet

service and more computers. ADALAT also met with JSSP team to coordinate activities supporting the SC. It was identified that JSSP has been implementing some HR related activities (e.g., conducting HR trainings, supporting Priority Reconstruction and Reform (PRR) implementation process, developing an HR MIS; and providing HR awareness trainings) which could be duplicated by ADALAT. Thus, both sides decided to meet and coordinate regularly to avoid duplications in the future.

ADALAT met with World Bank (WB) contractors Geraldine Gibbons, Malcolm Bell and Bunafsha Gulakova, who are currently concluding a six-month project to assist the SC's HR Department prepare a five-year, departmental strategic plan. ADALAT shared SC workload and caseload information so that the WB effort includes the same data ADALAT is using to develop SC initiatives. The WB's draft strategic plan will be completed by October 15. The Court will have 15 days for comments. ADALAT expects to assist the Court with implementation of the plan once it is adopted. Mr. Graeme Jackson, team leader of the WB project to facilitate implementation of the Capacity Building for Results (CBR) Program, met with ADALAT to discuss potential application by the SC to participate in that program. Initial discussions were also held with representatives of JSSP and GIZ regarding opportunities for future collaboration in the development and implementation of manual and automated systems to support improved case management in the courts, as well as in the Huquq.

### **Training Needs Assessments**

ADALAT proposed to SC HR and Finance/Admin counterparts that ADALAT and the Departments should collaborate on determining the extent to which PRR had been implemented, on updating the SC Tashkeel and on assessing the capacity of the existing HR database to support court personnel management needs. However, the HR department advised that responsibility for implementing PRR, for updating the Tashkeel and for developing an HR MIS had already been assumed by JSSP. It was agreed the Department would advise whether ADALAT technical assistance in these areas in addition to, or in lieu of JSSP assistance, was needed. ADALAT also proposed to collaborate with the HR and Admin/Finance Departments in determining court system personnel training needs, including determination of numbers of court staff, establishment of performance standards and a baseline of existing staff education and experience required to meet such standards for all classes of court personnel. The

personnel will include SC specialized (HR and Finance) staff, court managers, technical (ICT) staff; case management staff; and clerical staff. It was envisioned that the needs to be determined and the trainings to be developed would include a general orientation program for all non-judicial staff, including a module on the SC's non-judicial code of conduct.

ADALAT was asked to establish a standard payroll database linked to HR. While Finance/Admin contacts agreed to the type of technical assistance proposed, the HR Department advised it had already identified HR functions requiring improvement and needed assistance only in implementing those functions, including conducting training needs assessments of staff positions previously identified. HR Department also advised that the SC had adopted the Civil Service Employee Code of Conduct, although ADALAT has recommended that the SC reconsider this decision and collaborate with ADALAT in the development and implementation including court system-wide training on a non-judicial staff-based code of conduct. Meanwhile, ADALAT assisted in development of annual development budget disbursement plan for Development Budget Department and six-month capacity building plan for capacity building and performance evaluation sub-department of HR general directorate of Supreme Court. As noted above, ADALAT met with JED to explore separation of responsibilities for non-judicial staff training between HR and JED. In general, JED is responsible for legal clerk training and HR is responsible for administrative and case management staff training. While HR is probably responsible for training of court managers, the only court manager trainings conducted to date were called "Administrative Stages" and were conducted by JED. ADALAT was asked by HR to review the Administrative Stage curriculum.

### **Strengthen SC HR and Admin Management**

The HR and Finance/Admin Departments documented departmental policies and procedures and developed a work plan to strengthen the roles and responsibilities of the budgeting department. Each Department was encouraged to establish working groups to draw on the findings of the WB HR Strategic Planning Project and other projects being conducted by IDLO and JSSP; the HICD teams; and the SC Strategic Plan and the Justice Sector Reform Group to determine organizational and individual requirements, determine gaps and develop solutions packages. ADALAT was asked to assist the HR department in implementing the establishment of the new Capacity Building and Performance Management sub-department to be implemented

within six months; and the Finance/Admin Specialist was asked to facilitate implementation of program budgeting to be implemented for the next fiscal year.

### C. ACAS Assessment and Statistics

#### Advisory Group

During the reporting period, ADALAT succeeded in establishing the Second ACAS Advisory Group (AAG). The executive board of the AAG was selected in the first meeting. It consists of two males and a female. The AAG's objective is to analyze the identified gaps and shortcomings of current system and recommend amendments for the approval of the High Council of the SC. The AAG was formed, with the help of Mr. Shams, the Director of Finance and Administration Department. Mr. Omar Karimi the Head of the Statistics Department, was selected as head of the executive board and leads the meetings, while ADALAT provides staff support. The representatives of Kabul Huquq Department and GIZ's Rule of Law Project also attend the meetings. So far, ADALAT has organized three AAG meetings and hosted one of them at the Checchi office.

ADALAT staff then conducted onsite reviews in Kabul and in two other provinces to determine if ACAS was being used. If not, what steps could be taken to restart the system; and if so, what improvements might be recommended that could streamline the entire system.

ADALAT met the Chief Judges of Appellate Courts of Herat and Kapisa to explain the ongoing assessment of ACAS and to request the court's participation in and support of the assessment. ADALAT also held Focus Group Discussions and individual meetings with the clerks of those provinces and elicited several recommendations for improvements, including the following:

- Leave blank the judicial ruling table and fill it in manually, as illustrated below:

Type of Judicial Ruling	
No. of Judicial Ruling	
Date of Judicial Ruling	/ /

- Having an exit book instead of exit/out cards
- Adding the option of absent parties on the case folders
- Adding a sub-column under 'Court Action' column of Case Registry book by the name of 'Court's Decision'. The term aims to cover a brief on the content of the verdict. See below:

Court Action		
Type	Court's Decision	Date

- Adding of case ID that is generated by the JSSP's CMS on the case folder

### **Data collection**

ADALAT visited the Primary Courts of Kabul during the past quarter and collected statistics for the years of 1394 and 1395 and observed the performance of 24 clerks. ADALAT's ACAS staff met individually and advised each clerk how to use ACAS material. The 9 individuals who had problems in their performance were shown corrections and instructed on how to properly use the materials. The assessment trips are ongoing, and new recommendations will be discussed in the next meetings of AAG. ADALAT prepared the tentative plan for an ACAS assessment in 33 provinces and all districts of Kabul. All assessment trips are expected to be completed by January 2017. The case management team has been busy with research on a pretrial mechanism that could be used by the Huquq Department.

### **Case management materials**

ADALAT is producing 70,000 case folders and 140 case registry books for all courts and will distribute them in accordance with the SC's distribution plan while conducting ACAS assessment trips in the provinces during Quarter 3.

ADALAT met GIZ staff to obtain information about the case management system they developed for Huquq Departments in Mazar and Herat. ADALAT received a copy of GIZ's materials and agreed to share and discuss them with the Huquq Departments in other provinces in conjunction with the ACAS assessment trips.

ADALAT has also organized weekly meetings with the Statistics Department of the SC in order to get information, find the gaps/shortcomings and analyze the current system of the statistics and propose a unified system that will be in conformity with the ACAS and used nationwide. This group will review the statistics system previously developed by USAID and the current statistics system in operation today to identify problems and present viable solutions so that the Court uses and benefits from data that it already possesses. Currently, the numbers received

from provinces are not accurate and reliable, as mentioned by the Departments of the Inspection, Admin and Finance, HR, and Statistics itself. ADALAT plans to help the Statistics Department in improvement of its system that other departments become its clients for allocation of their resources. ADALAT met JSSP to get information how their CMS work in this regard and we will coordinate with them to consider any approaches that ease the process and to avoid any replications.

#### **D. AIBA**

During this reporting period, ADALAT with partner AJO met with AIBA president Mr. Rohullah Qarizada and Mr. Nasir Ahmad, AIBA Executive Director to discuss the ADALAT project and proposed activities in support of sustainable institutional reform. ADALAT gave a presentation on the planned activities and current AIBA situation. ADALAT had regular meetings with AIBA president Mr. Rohullah Qarizada and Mr. Nasir Ahmad, the AIBA Executive Director, to discuss member benefits, monitoring board activities, pro bono status, the role of the Women Committee, AIBA information system, CLE, the Stage program, HICD, AIBA by-laws, the external audit, and the General Assembly. ADALAT also met with the AIBA Finance Manager, Pro-Bono Case Database Manager and the Head of the Women Committee.

ADALAT met with USIP, UNDP, GIZ, Open Society Afghanistan and The Asia Foundation to discuss coordination of project activities with AIBA. A donor coordination meeting was held on August 23<sup>rd</sup> to discuss coordination between AIBA and its donor partners, AIBA budget, by-laws, general assembly, and formation of working group on Advocates' Trainings.

The ADALAT HICD and By-Law Experts arrived in Kabul in September 2016. The AIBA by-laws working group will meet in the upcoming quarter to discuss revisions and obtain inputs from the AIBA donors. ADALAT interviewed and collected data from the AIBA leadership and members about the General Assembly, AIBA's status, the Association's services and its requirements for the future. External audit preparations were in progress during this reporting period.

## Key Events for Next Quarter

### Judicial

- Submission to the Judicial Inspections Department of the paper comparing the Regulation on Considering Discipline for Judges' Offenses to international code of conduct enforcement standards and proposing conforming amendments to the Regulation.
- TNA meeting with prosecutors' focus group in Panjsher Province regarding the training needs of sitting judges.
- Completion and submission of TNA final report.
- Meetings with the KRJC Secretariat in preparation for the KRJC.
- Technical assistance to the KRJC secretariat committees in the collection of materials, preparation for the KRJC, and preparation of a detailed judicial conference planning and budgeting protocol.
- Selection of the dates for the KRJC, finalization of the conference agenda, and selection of conference presenters.
- Meeting with the JED Director to obtain his cooperation in conducting an evaluation of the Judicial Stage.
- Initiation of the Stage evaluation.
- Identification of Afghan KRJC STTA planner.

### Non-Judicial

- STTA preparation of planning, budgeting, and logistics protocols in coordination with KRJC secretariat committees and ADALAT budgeting and finance staff.
- Research and writing assistance to the AWJA in the preparation of KRJC materials.
- Evaluation of SC audio/visual equipment and recording capacity for the KRJC.
- Publication of AWJA KRJC program materials for distribution to all judges.
- Development of a six-month Capacity Building Plan for Capacity Building and Performance Evaluation Directorate of General HR Directorate of Supreme Court.
- Meeting with HR General Directorate related to HR capacity building-related interventions that ADALAT could support the Supreme Court with, before completion of HICD Assessment.

- Meeting with HR Directorate to discuss the improvement of their non-judicial code of conduct based on the internationally accepted standards; and possibility of code of conduct trainings to Supreme Court personnel.
- Meeting with Finance/Administration Directorate to determine gaps in finance related activities.
- Document SC budgeting process.
- Provide technical assistance in implementation of program based budgeting for the Development Budget Department.
- Assist HICD assessment to be initiated at SC Admin/Finance Department.
- A training program shall be conducted on ACAS application and correct usage for the SC clerks.
- Administrative assessment of the courts throughout the country 1) on the use of the registration book, 2) collection of data and statistics and 3) gathering their inputs, feedbacks and recommendation on the administrative materials already in use. Distribution of case folders and registration books to all courts for the current fiscal year. This activity shall be conducted for all 34 provinces of the country, and most of which will take place in the next quarter.

#### ACAS

- Trips for evaluation of ACAS will be continued and the AAG meetings will be hosted to strengthen coordination among stakeholders in the next 3 months.
- Work closely with Statistics Department of SC to assess its current system.

#### AIBA

- The plan for the next quarters are to finalize the Work and Monitoring and Evaluation Plan for Year I, provide a bridge grant to AIBA, conduct and finalize external audit, HICD assessment report and AIBA by-laws revision report. Once armed with new data resulting from the external audit and the HICD assessment, ADALAT will be able to devise a work plan to implement Year I activities and support AIBA.
- Planning for the General Assembly will begin, including an information campaign so that members will be aware of proposed amendments to the by-laws and be prepared to elect new officers.



- Support AIBA in preparation for holding the general assembly and educating both the current AIBA officers and members on the amendments.
- Train AIBA leadership and officers on the new structure created in by-laws revisions and voted on at the next General Assembly.
- Draft a strategic plan.
- Train Leadership Council on advocacy and governance.
- Provide financial management training on how to draft annual budgets and reporting mechanisms.
- Develop and train Women's Committee members.
- Launch the legal education working group and develop Stage and CLE trainings.
- Enhance capacity of AIBA's staff to improve members' services throughout the five regions (license, bar exam, referral system, communication system including designing a website).
- Enhance the capacity of the Monitoring Board in developing procedures and processes for handling disciplinary actions.
- Design a reporting mechanism for pro bono services provided by lawyers.

## **SUB-PURPOSE 2: STRENGTHENED FORMAL – TRADITIONAL JUSTICE SECTOR LINKAGES**

### **Progress Toward Activity Results**

The ADALAT Sub-Purpose 2 teams continued their assistance to the Ministry of Justice/Huquq Department and TLO. ADALAT collaborated with MOJ leadership, the Huquq and Training Departments, National Legal Training Center (NLTC), and donor stakeholders, including IDLO, GIZ, USIP, INL JSSP and CSSP, World Bank, Hamida Barmaki Organization, and Women for Afghan Women, to discuss ADALAT work plan development and donor assistance coordination. These efforts resulted in the MOJ, ADALAT, NLTC, and donor agreement on our respective assessment, capacity-building, and case management activities at the *Huquq*.

The ADALAT CSO/TDR team continued intensive work with partner TLO in finalizing its work, management, and budget plans. ADALAT also assisted TLO in identifying and vetting staff

with the potential to become trainers to future CSO grantees and conducted Afghanistan Justice Engagement Model (JEM) program orientation/TOT sessions with these staff in preparation for assessment research and program startup. ADALAT continued to support TLO/USIP in their public consultations and outreach messaging on the Conciliation/Jirga Law.

These activities culminated with the finalization of the Sub-Purpose 2 work plan in close coordination with the MOJ/Huquq and TLO to ensure effective approaches and maximize counterpart ownership of their development efforts. Final drafts of these plans have been well received by both counterparts.

## **A. MOJ/Huquq Department**

### **Huquq assessments**

After briefing and close consultation with MOJ/Huquq leaders on the objectives and methodology of the HICD process, the minister has fully embraced the process. The institutional assessment will identify desired performance of the department and staff, gaps in achieving that performance, and a solutions package to address those gaps. Particular attention will be given to further detailing the structural and capacity challenges impacting performance of Huquq professional field staff, the Huquq “face” and primary service provider in local communities. Reviews of the Huquq’s governing documents and interviews with Huquq leadership and field offices will help detail how policies, procedures, job descriptions, etc., can be clarified and improved. These recommendations will better clarify desired performance of Huquq professional staff which will serve as the foundation for developing tools for the training needs assessment planned for the next quarter.

### **Training program agreements**

ADALAT-initiated consultations resulted in a path forward for the MOJ/Huquq and donor collaboration. First, in addition to a previous decision to require Law or Sharia Faculty graduation for new hires, the MOJ agreed to begin requiring induction training, or Stage, for MOJ/Huquq new hires. Second, recognizing the current resourcing/staff limitations of the MOJ Training Department to sustainably conduct such a program and the time and political challenges to increasing those resources (changes to the MOJ *tashkeel*), the MOJ agreed to begin using approximately 50 designated slots in the NLTC Stage. The minister has expressed

interest in eventually establishing a Stage within the MOJ, but agrees that NLTC curriculum could be shifted to the MOJ if and when that occurs. The NLTC and Deputy Minister of Higher Education, Osman Baburi, have also agreed to pursue with the Independent Administrative Reform and Civil Service Commission recognition of Stage graduation as one year of job experience in applications to MOJ jobs. USAID/ADALAT have agreed that the project will focus on the Huquq/NLTC Stage while other donors focus on MOJ trainers and ongoing, as-needed, continuing legal education (CLE). ADALAT will closely consult other donors on development of a possible comprehensive retraining program for existing staff.

### **NLTC curriculum review/update**

To ensure the appropriateness of the NLTC Stage curriculum for Huquq professional staff, ADALAT met several times with NLTC leadership to learn about the center's Stage curriculum and to obtain NLTC agreement to review and revise the Stage to meet Huquq needs. A curriculum review committee from NLTC, MOJ, ADALAT, and possibly outside experts, will be formed to work on a curriculum acceptable to both sides. Curriculum requirements will be derived from the HICD and Huquq training needs assessments and address all legal substance, skills (e.g., mediation), administrative expertise, etc., required by Huquq staff to perform their duties to standards that achieve desired performance.

### **Huquq case management**

In close coordination with GIZ, the Italians, and INL/JSSP, ADALAT drafted its plan to begin the Huquq case management assessment in conjunction with the SC's ACAS assessment and GIZ's Huquq case management pilot. To promote understanding of the ACAS system and ensure harmonization with a new Huquq system, the Minister of Justice appointed the Kabul Huquq director to participate in the Second ACAS Advisory Group. ADALAT continued to work with GIZ in preparation to track GIZ's Huquq case management pilot in conjunction with its court ACAS and Huquq case management (current system) assessment. ADALAT and GIZ agreed that the ADALAT assessment team will visit GIZ's pilot sites, including Balkh, during the assessment and share the findings with GIZ and MOJ. GIZ remains amenable to working together to create an effective system and confirms that its pilot model, derived from ACAS, should be compatible with the court ACAS system and JSSP's CMS. GIZ and ADALAT also agreed to cooperate in rolling out the system, once finalized.

## **B. TLO/TDR**

### **Legal frameworks**

ADALAT and TLO continued to monitor and support progress on the Conciliation/Jirga Law and Law on Obtaining Rights (“Huquq law”). The Obtaining Rights Law draft has been approved by the cabinet and is with President Ghani for review and approval before it is forwarded to parliament. TLO/USIP and the ADALAT/TLO program manager continued to work on outreach and support for the Conciliation/Jirga Law. This included hosting a conference to present the draft, collect feedback, and build support. The law is generally well received but elders from some regions lobbied for continuation of some controversial aspects of TDR, including, for example, disputant deposits, or *machalgha*. (The dependence on the practice by some elders indicates room for continued programming to find alternatives to the coercive and potentially corruptible enforcement mechanism.) The team is also monitoring modifications to both the Jirga Law and Law on Obtaining Rights (“Huquq Law”) to identify possible conflicts or areas for harmonization, and/or areas where changes in either could require updates to MOJ/Huquq policies, job descriptions, etc., which would impact Huquq training needs.

### **Program and material review**

Consistent with RLS-I’s continuous evaluation and refinement approach throughout its program phases, ADALAT and TLO completed a thorough review of the program model, activities, and materials based on recommendations from the RLS-I final program and evaluation reports. To promote future flexibility and relevance, the team rebranded the model as the *Afghanistan Justice Engagement Model (JEM)* and developed a detailed users guide to implementing all of its components. The guide references all tools, templates, and examples, which are available as a package. In addition, a legal education material review resulted in a further simplification of JEM’s text, *Introduction to Basic Rights*, to ensure accessibility to a less educated audience. Additional Civil Code citations were included to demonstrate the congruence of Afghan statutory law and Sharia, thereby promoting greater acceptance of the former. The ADALAT team and partner law and Sharia faculty scholars included additional material to explicitly address violence within households.

**TLO management**

ADALAT staff used extensive experience from RLS-I to assist TLO in all aspects of program planning – from obtaining government permission to research to activity initiation. ADALAT helped TLO improve its budget, work, management, and staffing plans to more effectively and efficiently implement the JEM model while becoming trainers to other CSO grantees. This included designing appropriately sized and structured field teams to operate from existing TLO regional offices. This right-sizing, relocation, and cost sharing will allow TLO to cover at least eleven districts in the first three years (up from approximately six) while mentoring other CSO implementers in others.

**TLO orientation and TOT**

ADALAT technical staff conducted a comprehensive program introduction for TLO senior and field staff to familiarize them with all aspects of the JEM and its implementation: district selection, consulting local leaders, the assessment process, program objectives, strategies, design, activity types and structure, evaluation, etc. In addition, ADALAT mentors began a phased TOT process by which TLO staff will be trained on each program component as it is rolled out. This will allow an initial training, then focused mentoring during implementation. ADALAT began with district assessment training on methodology, respondent selection, data collection tools, qualitative data collection methodology, etc. ADALAT will continue to mentor TLO during direct implementation as an experiential learning tool as they work to become master trainers to other CSOs.

**Key Events for Next Quarter****MOJ/Huquq Department**

- Support to MOJ/NLTC in formalizing agreement on MOJ's use of the NLTC Stage and joint curriculum review/update.
- HICD assessment completed: formation of the advisor board, data collection, analysis, reporting, strategic document, solution package, MOU, etc. A key outcome will be a description of desired performance for the Huquq Department, including detailed job descriptions for Huquq professional field staff.

- MOJ/Huquq policy/TOR updates. Based on HICD findings, ADALAT will consider support to the MOJ for review and revision of key policies, procedures, staff TORs, etc., with a special focus on Huquq professional field staff, the “face” and primary Huquq service provider to the public at the district and provincial levels.
- Huquq training needs assessment. Based in part on findings from the HICD assessment, ADALAT will design and conduct the Huquq Department training needs assessment at the provincial and district levels. The process will identify common gaps in required staff capacity as described in revised/improved job descriptions resulting from HICD assessment. The training needs assessment will contribute to recommendations for the NLTC Stage curriculum review and revision process.
- Stage curriculum review preparation. ADALAT will facilitate formation of a curriculum review committee to review and revise the NLTC Stage induction training curriculum to best suit the needs of Huquq professional field staff. Close consideration will be given to addressing recommendations from the training needs assessment to ensure staff are equipped with all knowledge and skills to fulfill desired performance as outlined by the HICD outcomes, including detailed job descriptions.
- Begin assisting MOJ with staff training plan. In addition to establishing an induction Stage, ADALAT will begin discussions with the MOJ and other donors on comprehensive plans for addressing the training needs of existing staff.
- Huquq case management assessment completed in the provinces and districts. Existing case management system will be assessed as well as GIZ’s pilot of its ACAS-derived model.

### TLO/TDR

- TLO commences district assessments, program customization, and programming in four districts in the East (Nangarhar and Kunar) and Southeast (Khost).
- ADALAT technical experts begin field mentoring for TLO on all aspects of program preparation, research, analysis, program design, management, facilitation, evaluation, etc. Training includes TOT for TLO trainers on adult teaching and learning methodologies.

- ADALAT and TLO prepare to solicit justice/rights/gender oriented CSOs to apply to receive grant training.

### **III. SUB-PURPOSE 3: INCREASED CITIZEN DEMAND FOR QUALITY LEGAL SERVICES**

#### **Progress Toward Activity Results**

A Public Outreach and Advocacy CSO Support Team Leader was hired onto the project in September, which has advanced the project's progress in supporting creative and meaningful civil society activity for building public legal awareness. To understand the current capacities of CSOs, the ADALAT team prepared civil society organization capacity assessment tools, including a CSO capacity assessment template, CSO capacity assessment reporting template, and CSO capacity assessment action plan template. Following these initial assessments ADALAT will provide technical assistance to CSOs on an ad hoc basis. Through meetings with various key stakeholders and programs involved in legal education, ADALAT staff explored the possibilities for improving the law school curriculum by focusing program resources on building the capacity of private university law degree programs.

#### **A. Legal Outreach and Awareness, Advocacy, and Citizen Monitoring**

##### **CSO Assessment Tools**

The purpose of these tools is to assess the needs and priorities of CSOs, cultivate our partnership, and improve levels of CSOs' performance. ADALAT focuses on the need to select strong, capable and transparent CSOs, and these assessment tools will help ADALAT to identify the strengths and weaknesses of these CSOs in terms of grant management, program delivery, project management, outreach and advocacy. This information then can be used to build on an organization's strengths and address its weaknesses.

##### **CSO Meetings**

This quarter ADALAT met with several CSOs with both the Initiative to Promote Afghan Civil Society (I-PACS) and non-I-PACS CSOs. ADALAT met with the Welfare Association for the Development of Afghanistan (Wadan), the Afghan Anti-Corruption Network (AACN), Afghan

Women's Network (AWN), Afghan Civil Society Forum-Organization (ACSFo), Afghan Amputee Bicyclists for Rehabilitation and Recreation (AABRAR), Swedish Committee for Afghanistan (SCA), the Hamida Barmaki Organization for the Rule of Law (HBORL), the Da Qanoon Ghoshtunkay Organization, and the Afghan Anti-Corruption Network (AACN) to discuss their legal outreach/awareness and legal advocacy programs. These discussions focused on how ADALAT can reach illiterate and semi-literate populations in more remote areas of Afghanistan where there has been little penetration of information about basic rights. ADALAT will develop an RFA and make awards to the most promising new approaches to raising legal awareness, including the use of social media.

### **Legal Awareness Outreach Grants**

In the meetings with CSOs, ADALAT took note of suggestions from CSOs based on their experiences supporting outreach programs. Wadan produces and distributes tablecloths with printed messages about basic rights as a creative approach to reaching populations with low levels of literacy in remote areas of Afghanistan. Wadan also suggested that ADALAT sponsor sports events where communities supply participants who wear shirts printed with messages and images promoting rights concepts while competing in football, volleyball, and cricket. ABRAR confirmed that in their experience radio shows were useful activities, though in areas where there are no radio towers or people cannot afford to buy radios, telephone and internet service is still often unavailable for outreach utilizing mobile SMS technology, free hotlines and social media. ACSFo noted that as CSOs develop in urban areas, they become disconnected from grassroots CSOs and local populations, and they suggested that ADALAT explore ways for rural-level CSOs to keep connected and have access to opportunities for sub-grants. AWN recommended teaming up different capable CSOs by geographical coverage and thematic focus areas to work on establishing advocacy coalitions, and also that ADALAT support training programs for building the capacity of local CSOs through various methods, including discussion forums, public accountability forums, legal seminars, traditional legal events, mobile judicial/legal institutions at the regional and provincial levels, advocacy's law training manuals, and journals. A tri-lateral MOU will be signed with Independent Administrative Reform and Civil Service Commission (IARCSC), MOJ, and selected implementing CSOs. The duration of this initiative is proposed at least 9-12 months.



ADALAT will award grants to CSOs by either (1) a restricted call for applications, where ADALAT will select a limited number of pre-screened CSOs for funding while otherwise strengthening the capacity of grassroots CSOs who have not been exposed to adequate organizational development and systematic strategic awareness, outreach and advocacy programs, or (2) an open call for applications to provide equal opportunity to all potential application organizations.

### **Legal Advocacy Grants**

ADALAT met with Afghan organizations experienced with advocating for the promotion of rule of law and discussed lessons learned and ideas for new opportunities. One recommendation offered for ADALAT's advocacy grant program was to support an Advocacy and Outreach Manual for Religious Leaders. Advocates would be able to use this tool to train religious leaders by reference to an Islamic perspective on justice and rights issues. A training approach could be developed at the national, provincial, and district level and in close consultation with the provincial pilgrim/Hajj affairs directorates. ADALAT could support the formation of an Impunity Free Coalition for holding landlords, local power holders, land usurpers, military commanders, political party leaders, and high-ranking government officials accountable for human rights violations concerning local populations. The Coalition could coordinate and lead lobbying and advocacy efforts to engage local citizens in issue awareness and policy change. It could be comprised of provincial councils, CSOs, government representatives, AIHRC, and media, with UNAMA acting as an observer. Through advocacy grants to the Coalition, ADALAT can fund special events for observation of Anti-Corruption Day, which falls annually on December 9<sup>th</sup>, as well as special programs to publicly recognize and honor corruption-free officials.

### **Justice Sector Monitoring Grants**

During this reporting period, ADALAT began exploring ways to support CSOs involved in justice sector institution monitoring by meeting with Integrity Watch Afghanistan (IWA) and AABRAR to discuss their court monitoring programs. With access to IWA materials and AABRAR research findings, ADALAT will explore with USAID ways to build on existing program models to develop a grant award for citizen engagement in court and Huquq

monitoring of, for example, information accessibility, judge presence and other features of institutional performance.

## **B. Legal Education**

### **Legal Clinical Education**

ADALAT had several discussions with The Asia Foundation concerning their Legal Aid through Legal Education (LALE) program and how that program might be replicated at private universities. Follow-up discussions were held with the directors of International Legal Foundation – Afghanistan (ILF-A) concerning their clinical programs throughout the country. ADALAT is considering ways in which to combine elements of both the TAF and ILF-A programs to address the need for more practical education of law students.

ADALAT met with INL-funded Legal Education Support Program (LESPA) which provided information about the status of clinical education in public universities. LESPA gave assurances that LLM graduates who obtained their degrees from the University of Washington with LESPA's support would help an ADALAT-sponsored legal clinical program in private universities. Moreover, they suggested that ADALAT conduct a brief survey of private universities to learn how many of them are exposed to the concept of clinical education and have clinical programs, as legal clinics in private universities can be sustained more easily than in public universities.

### **Law Degree Development Program Coordination**

The ADALAT team met with the Director for Private Universities at the Ministry of Higher Education (MoHE) to discuss the role of the ministry and the Private Universities Association in designing private university degree programs. To date, there is no standard curriculum for law or Shari'a schools at either public or private universities. ADALAT will maintain communication and coordination with the MoHE and facilitate information-sharing with other legal education programmers.

ADALAT met with faculty from the University of Washington and Ohio Northern University, two INL implementers working with public university law and Shari'a schools. ADALAT also met with Open Society Foundations (OSF) to learn about its work with legal education reform and its legal education assessment at Kabul University. OSF is interested in supporting legal aid NGOs and exploring the benefits of creating a uniform Stage curriculum for AIBA. In addition to the Kabul University assessment, OSF is planning to conducting a curricula assessment and examine other countries' standards. ADALAT will coordinate further as a member of AIBA's legal education working group. ADALAT met with several members of the American University of Afghanistan (AUAF) to discuss their law curriculum and how ADALAT might use grants to permit private law school faculty to participate in AUAF's (TAF-funded) legal writing and clinical training pilot program. During the reporting period, ADALAT met with representatives from the Private Universities Association (PUA) to discuss law curriculum development. PUA explained that its role in ADALAT's proposed activities would be limited to introducing ADALAT to interested universities.

### **Key Events for Next Quarter**

- Analyze and prepare a comprehensive CSOs list.
- Develop MOU for anticipated partner CSOs.
- Conduct rapid CSO assessment and develop action plan based on CSO needs.
- Develop Advocacy Training Manual.
- Conduct Advocacy TOT training to grantees' CSOs' staff.
- Prepare a written pre-bid qualification based on the statement of work of each grant type and in close consultation with international grants consultant and grants manager.
- Announce and conduct a pre-bid qualification for the grants.
- Provide grants management training for relevant ADALAT staff.
- Design Annual Program Statement.
- Prepare RFAs covering legal outreach, advocacy, and monitoring.
- Announce an open call to Afghan organizations to apply for grants to fund outreach programs intended to raise citizen awareness of the legal system.

- Organize one pre-bid information session(s) in Kabul to give CSOs a clear understanding of the grant application and implementation processes and distribute relevant materials to CSOs based in other provinces.
- Award grants to eligible CSOs.
- Meet with the Women and Children Legal Research Foundation (WCLRF) to discuss its research findings on gender-based violence and children rights.
- Develop job descriptions for Legal Education Specialist and a scope of work a STTA Legal Education Expert.
- Recruit Legal Education Specialist.
- Recruit an international Legal Education Expert for short term consultancy.
- Meet with the Private University Association to discuss their role in curriculum reform.
- Meet with IWA to further discuss court-monitoring program.
- Design the Law Degree Development Program with the aid of an international Legal Education Expert.
- Assess the needs of the legal education system and select institutional partners from among private universities.
- Prepare institutional- and association/network-level strategies to respond to the most pressing needs of private universities.
- Design grant guidelines, proposal solicitations, dissemination plan, evaluation system, and project support tools as a model for subsequent grant award cycle to fund select private universities.
- Prepare RFAs covering law degree program reform and clinical legal education.

## **ACCOMPLISHMENTS**

### **Administrative**

- Submitted proposed Year I Work Plan
- Held Donor Coordination meetings with IDLO, INL, GIZ, WB, TAF, USIP, UNDP
- Reprogramed grant funds to support law school program
- Grants Manual approved

**Judicial**

- Began planning Kabul Regional Judicial Conference
- Obtained background information for Stage evaluation and prepared instructor evaluation instrument
- Conducted Judicial Training Needs Assessment with key informant interviews
- Judicial Inspections Department: Documented judicial discipline enforcement, performed desk review of judicial conduct-related laws and regulations and made comparisons to international standards

**Non-Judicial**

- Documented SC HR and Finance/Admin functions, determined principal management concerns and developed a capacity building plan, including how to better utilize the development budgeting
- Coordinated with WB HR Strategic Planning Team
- Management systems: Documented capacities of existing HR database and asset inventory databases, identified opportunities for integration between HR and payroll, and assisted budget planning

**ACAS**

- Establish Second ACAS Advisory Group
- Began documenting use of ACAS in SC, Kabul Courts and selected regional courts; collected data in sample courts
- Printed ACAS materials and began distribution during ACAS field trips
- Revised data collection forms

**AIBA**

- Presented to AIBA sustainable reform activities
- Led donor coordination with USIP, UNDP, GIZ, OPA, and TAF
- Reviewed AIBA by-laws and developed proposed revisions

**MOJ/HUQUQ DEPARTMENT**

- Collaborated with MOJ Huquq and Training Departments, NTLC, IDLO, GIZ, USIP, INL JSSP and CSSP, WB, Hamida Barmaki Organization, and Women for Afghan Women
- Achieved donor agreement on Huquq capacity-building and case management

**TLO/TDR**

- Finalized TLO work management and budget plans
- Assisted TLO to identify and vet staff to be trainers to other CSOs
- Held JEM program orientation/TOT sessions

**CIVIL SOCIETY SUPPORT**

- CSO assessment tools created
- Conducted meetings with CSOs to discuss legal awareness and advocacy programming opportunities based on lessons learned and potential for innovation

**LEGAL EDUCATION**

- Collaborated with TAF to pursue inclusion of private universities in future LALE sessions
- Coordinated with MoHE, INL, PUA, TAF, and AUAF on law degree development opportunities

**EXPECTED RESULTS, ACTUAL RESULTS, REASONS FOR VARIANCES AND LESSONS LEARNED****JUDICIAL ACTIVITIES:**

- I. **Expected Result:** Initiate Judicial Conference Plan; **Actual Result:** KRJC secretariat established, conference planning begun, conference date deferred from November 2016 to January 2017; **Reason for Variance:** no variance; date of conference delayed to permit planning and preparation.

2. **Expected Results:** Stage Evaluation: ADALAT will obtain approval of JED to evaluate the Stage and to strengthen the JED capacity to conduct continuing judicial education; **Actual Results:** JED declined to approve the ADALAT evaluation of the Stage and instead requested financial assistance in the form of instructor and student stipends; **Reason for Variance:** JED has different priorities; **Lesson Learned:** Broader support for ADALAT activities with the JED is needed from the CJ, SC Justices, and Gen. Nesar.
3. **Expected Results:** Document judicial discipline enforcement mechanisms in other countries; desk review of all Afghan judicial conduct-related laws and regulations and comparison to international standards; **Actual Results:** Research conducted and completed, and detailed written presentation with proposed amendments nearing completion; **Reason for Variance:** No variance; however, extensive capacity building of Inspection Department needed, including documentation of policies and procedures, development of disciplinary enforcement data base, etc.
4. **Expected Results:** Conduct Continuing Judicial Education Training Needs Assessment; **Actual Results:** Almost completed; conducted key informant interviews with judicial and non-judicial sources; determined need for commercial law training, training for judges in the insecure districts, and training for law clerks; **Reason for Variance:** No variance; however, counterpart (JED) resistance to proposed assessment that counterpart may feel is not needed.

## NON-JUDICIAL ACTIVITIES

- I. **Expected Result:** Assessment of Human Resources Department Capacity to meet non-judicial training requirements of the court system, including an update of the non-judicial Tashkeel and functionality and completeness of the HR database to support objectives of the HR Strategic Plan; **Actual Result:** Documentation and analysis of training needs, update of Tashkeel and assessment of HR database deferred pending completion of WB HR Strategic Plan and HICD assessment. Although the SC team has been able to gather initial information and some documents like regulations, new Tashkeel and job descriptions will be shared with the HICD team upon their arrival; **Reason for Variance:** HR Department recognition that organizational solutions need

to be based on documented gaps between departmental requirements and staff capacity, although Department also favors development of certain training solutions and organizational developments which the Department has already concluded do not require more detailed needs analyses; **Lesson Learned:** Counterparts recognize the value of establishing performance standards and of applying substantive expertise to court operational problems.

2. **Expected Result:** Conduct non-judicial training needs analysis, develop training needs priorities. Based on the training needs assessment and analysis, the SC and ADALAT will produce a non-judicial training strategic plan, which will address the total number of trial and appellate court staff requiring/receiving general (orientation) training; management training, including number of court staff management positions and number of incumbents who have received management training, number of management vacancies, number of SC staff needing specialized administrative training; and number of court system personnel needing operational training in ACAS, statistics and other operational functions. The needs assessment will provide a better understanding of training currently being provided and additional training required; **Actual Results:** Training Needs Assessment and development of court system-wide training plan deferred until completion of WB HR Strategic Plan and HICD assessment; **Reason for Variation:** HR Department recognition that organizational solutions need to be based on documented gaps between departmental requirements and staff capacity.
3. **Expected Results:** PRR implemented. ADALAT will also assist the SC with updating their PRR Implementation Plan, including minimum qualification standards for non-judicial staff and level of competence of court staff as compared to job knowledge and skill requirements; **Actual Results:** Analysis of PRR implementation results deferred pending completion of WB HR Strategic Plan and HICD assessment; **Reason for Variance:** SC has advised that PRR implementation being assessed by JSSP. ADALAT will continue to assess this matter during Quarter 3 in meetings with JSSP as well as through review of WB Strategic Plan and HICD assessment; **Lesson Learned:** Collaboration with other donors critical to achievement of project objectives. ADALAT to work with SC to establish HR and Finance/Admin Working groups during Quarter 3.



4. **Expected Result:** Determine need for non-judicial code of conduct, draft training plan, plan to begin training in Year 2; **Actual Result:** Determined that SC adopted Civil Service Code of Conduct; ADALAT proposed that SC adopt non-judicial code based on international standards. Court amenable to development of revised code and possible training in Year 1 Quarter 4; **Reason for Variance:** General assumption within and outside the courts that non-judicial functions are equivalent to executive branch functions, lack of SC commitment to implementation of concept of judicial independence.
5. **Expected Results:** Coordination with WB HR Strategic Planning Team and CBR project; **Actual Results:** Teams coordinated, WB draft report to be reviewed during Quarter 3 and WB effort to be coordinated with HICD Team in October and November.
6. **Expected Results:** Document capacities of existing HR database, facilities and asset inventory databases, identify opportunities for integration between HR and payroll, statistics and budget planning as well as manual systems; **Actual results:** Assessments deferred pending completion of HICD, WB Strategic Plan. Nonetheless, continue to collaborate with INL, GIZ on capacity development, HR database assessment and development.

## ACAS/STATISTICS

1. **Expected Results:** Establish Second ACAS Advisory Group; **Actual Results:** Advisory Group established.
2. **Expected Results:** Document use of ACAS in SC, Kabul Courts and selected regional courts; collect data in sample courts; **Actual Results:** Documented use of ACAS in Kabul, Kapisa and Herat Courts; established work plan to complete analysis and training in 34 provinces by January 2017. The ACAS assessment identified specific current practices and deficiencies in the data collection and reporting process. Based on this assessment, ADALAT was able to begin working with the SC to re-tool ACAS, and to develop a revised procedure manual and associated training program.

3. **Expected Results:** Provide ACAS materials for all courts for current fiscal year;  
**Actual Results:** Materials printed during Quarter 2; scheduled to be distributed during Quarters 3 and 4.
4. **Expected Results:** Revise data collection forms; **Actual Results:** Forms modified per feedback from clerks in Kapisa and Herat Provinces and approval of ACAS Advisory Group.
5. **Expected Results:** Integrate ACAS data collection with Court Statistics Reporting;  
**Actual Results:** Began meeting with Statistics Department but determined data collected inaccurate and incomplete and SC Departments do not use statistical data for management purposes; **Reasons for Variance:** SC does not consider court caseload, case processing statistics as resources for management purposes; **Lessons Learned:** SC needs to establish strategic planning process whereby SC determines what data is needed for what planning purposes and SC departments need to become clients of Statistics Department to receive data needed for management purposes.

## AIBA

1. **Expected Result:** Finalize bridge grant and approve. **Actual Result:** Bridge grant was finalized in coordination with other donors and AIBA, submitted to USAID, but still pending vetting; **Reason for Variance:** It is unknown.
2. **Expected Result:** By-laws review working group, review of by-laws and revisions drafted. **Actual Result:** By-laws expert recruited, interviews held, document reviewed, data collected, draft by-laws amendments completed, meetings with stakeholders held.  
**Reason for Variance:** Time limitations postponed discussion with AIBA and stakeholders and delayed finalizing the report for the next quarter. President of AIBA traveling.
3. **Expected Result:** HICD assessment conducted and report drafted; **Actual Result:** HICD expert recruited, assessment tools developed, interviews held, documents reviewed and data collected and analyzed; **Reason for Variance:** Time limitation prevented stakeholders' meeting and finalization the report.
4. **Expected Result:** External Audit conducted; **Actual Result:** External audit pending approval of financing; **Reason for Variance:** The bridge grant, which will provide

funding for conducting the external audit, is still pending. ADALAT then requested approval from USAID to directly pay for the external audit; the approval is now being processed to recruit a vendor, which will be done in the next quarter.

## MOJ/HUQUQ DEPARTMENT/TLO/TDR

- I. **Expect results:** Sub-purpose 2 staff mobilized and meeting regularly with MOJ/Huquq and TLO counterparts to complete assessments and begin grant process in next quarter; **Actual results:** Sub-Purpose 2 remains largely on track in all components; **Reason for Variance:** Slightly longer than expected staff recruitment times resulted in delays of a few weeks with the Huquq assessments and TLO orientation/training and initiation of field work. As discussed above and below, ADALAT may pursue optional work plan activity 2.1.1.2 in assisting the MOJ with improvements to key policies and TORs.

## CIVIL SOCIETY SUPPORT

- I. **Expected Result:** Sub-purpose 3 staff build relationships with potential partners, gather information about outreach and legal awareness programming that may be supported by grants, and prepare grant program for announcement in the upcoming quarter; **Actual Result:** Strong relationships have been built with key civil society and program implementing organizations, though the grant program may not be ready for the next quarter; **Reason for Variance:** Due to the late arrival of an international grants consultant to the project, RFAs and APSs may not be finalized and announced before the end of the next quarter.

## LEGAL EDUCATION

- I. **Expected Results:** Coordination with private universities and legal education reform programs and development of grants program to fund law degree development and legal clinical education activities; **Actual Results:** Meetings with counterparts and stakeholders provided basis for future collaboration, but slow progress in activities; **Reason for Variance:** understaffed legal education team; **Lesson Learned:** Recruitment of specialized personnel should occur early in project start-up.

